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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER	
AILES, BENJAMIN A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/099,901	JABRI, MARWAN ANWAR	
	Examiner	Art Unit	
	BENJAMIN A. AILES	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,9-11,14,16-21,28,29,31-37 and 42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,9-11,14,16-21,28,29,31-37 and 42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 31 October 2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4, 9-11, 14, 16, 18-21, 28, 29, 31-37 and 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Lai et al. (US 6,593,860), hereinafter referred to as Lai, in view of Bruno et al. (US 6,262,978 B1), hereinafter referred to as Bruno.

4. . Regarding claim 1, Lai teaches a system for transferring multimedia information from a source location (fig. 1, item 104) to a destination location (fig. 1, item 102) through one or more networks (fig. 1, item 106), the system comprising:

a source output (fig. 1, item 104) adapted to provide a first stream of information (col. 7, ll. 21-23, transmit media content) in a first protocol characterized by one of a plurality of source capabilities (col. 7, ll. 44-50, content provider provides multimedia

files in various well-known formats including MPEG, AVI, MP3, REAL, WINDOWS MEDIA, QUICKTIME, H.263 video coding);

a destination input (fig. 1, item 102) adapted to receive a second stream of information (col. 7, ll. 15-16, viewer client is capable of receiving media content) in a second protocol characterized by one of a plurality of destination capabilities (col. 7, ll. 15-20, viewer client is capable of viewing content in various well known encoded formats including but not limited to MPEG, AVI, MP3, REAL, WINDOWS MEDIA, QUICK TIME, and H.263 video encoding.).

Lai teaches further the PTS comprising the step to determine a first set of common capabilities between the PTS and a source terminal associated with the first stream of information through a first capability negotiation process (Lai, Fig 6 and col. 21, lines 44-48); determine a second set of common capabilities between the PTS and a destination terminal associated with the second stream of information through a second capability negotiation process (Lai, col. 21, ll. 53-57); and identify one destination capability of the plurality of destination capabilities (Lai, col. 21, ll. 53-57); a selection module adapted to select a transcoding process based upon the first set of common capabilities and the second set of common capabilities (Lai, col. 10, ll. 50-57); a media channel processing module adapted to calculate a quality measure independent of feedback from the destination terminal associated with the second stream of information (Lai, col. 9, ll. 37-41, determine optimal destination type by independent tests; col. 11, ll. 10-14, usage statistics); a rate control module coupled to the media channel processing module adapted to vary an output bit rate in an existing

session associated with the second stream of information (col. 17, ll. 25-27, destination type includes bit rate desired; col. 18, ll. 39-47, streaming media data can be changed dynamically based on network conditions); and a real-time transcoding module coupled to the rate control module and adapted to use the selected transcoding process and the output bit rate to process the first stream of information (Lai, col. 10, ll. 50-57).

Lai teaches the use of a proxy transcoder ("PTS") (fig. 6, item 218, col. 3, ll. 51-55, transcoder transcodes media content) coupled between the source output (fig. 6, item 610) and the destination input (fig. 6, item 650). Lai teaches wherein the PTS (fig. 6, item 218) is adapted to perform transcoding of multimedia system protocols, one or more audio streams, and one or more video streams (col. 7, ll. 57-61, transcoding engine transcodes media content from a source type to a destination type) but does not explicitly teach "the multimedia system protocols selected from the group consisting of H.323, H.324, and SIP", however, in related art, Bruno teaches in a video telephone/teleconference call environment the call conversion process between, for example, H.320 standard to a packetized voice call, H.323, or a similar protocol (see Bruno, col. 3, ll. 34-53) and therefore teaches in the art that it would have been well known to one of ordinary skill in the art to utilize multimedia system protocols like H.320, or H.323 as recited in claim 1. Because the combination of Lai and Bruno does not explicitly teach the usage of the multimedia system protocols H.324 or SIP, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize well known multimedia system protocols like H.324 or SIP in a call conversion process as taught by Bruno. Therefore, in view of

Bruno, one of ordinary skill in the art at the time of the applicant's invention would have found it obvious for the PTS as taught by Lai in figure 6, item 218 to support other multimedia system protocols like H.320, H.323, H.324 and SIP. One of ordinary skill would have been motivated to make this combination as taught by Bruno wherein it is advantageous to enable a teleconference call between a circuit switched network user and a packet network user which teaches the conversion of multimedia system protocols like H.320, H.323, H.324 and SIP utilizing a multimedia gateway (Bruno, col. 1, line 64 – col. 2, line 11).

5. Regarding claim 2, Lai and Bruno teach the system wherein the one or more transport networks are selected from a group comprising the Internet, a mobile network, a wide are network, a local area network, PTSN, ISDN, and SONET (Lai, col. 6, ll. 52-61).

6. Regarding claim 3, Lai and Bruno teach the system wherein the source output is in a first device different than the PTS and the destination input is in a second device different than both the first device and the PTS (Lai, col. 7, ll. 4-9).

7. Regarding claim 4, Lai and Bruno teach the system wherein the capability module identifies at least one of the output and input of the first device, based on information stored in the device, based on user subscription information stored in a network database of the user's service provider, based on in-band information command and control within a stream exchanged, or pre-set by the service provider (Lai, col. 9, ll. 45-58).

8. Regarding claim 5, Lai and Bruno teach the system wherein the transcoding process selected by the capability exchange module transcodes data from a first bitstream protocol mode to a second bitstream protocol mode (Lai, col. 21, ll. 4-10).

9. Regarding claim 6, Lai and Bruno teach the system wherein the PTS further comprises a rate control module regulating the data rate produced by the PTS (Lai, col. 21, lines 15-38).

10. Regarding claim 9, Lai and Bruno teach the system wherein the rate control module detects the network status information by using in-band bit-rate instructions (Lai, col. 15, ll. 23-31).

11. Regarding claim 10, Lai and Bruno teach the system wherein the rate control module regulates the output bit rate by changing transcoding parameters (Lai, col. 21, ll. 36-38).

12. Regarding claim 11, Lai and Bruno teach the system wherein the rate control module regulates the output bit rate by instructing network equipment to give a higher priority to data being handled by the PTS than other data (Lai, col. 16, ll. 60-66).

13. Regarding claim 14, Lai and Bruno teach the system wherein the PTS further comprising a network addressing module to determine the network address of the source output and the network address of the destination input (Lai, col. 15, ll. 18-22).

14. Regarding claim 16, Lai and Bruno teach the system wherein the PTS further comprises an intellectual property rights management module to manage and process information on intellectual property rights (Lai, col. 15, lines 23-26).

15. Regarding claim 18, Lai and Bruno teach the system wherein the rate control module regulates the output bit rate dynamically and in real time (Lai, col. 14, ll. 43-49).

16. Regarding claim 19, Lai and Bruno teach the system wherein the real-time transcoding module is programmable to transcode between various types of capabilities for the source output and various types of capabilities for the destination input (Lai, col. 10, ll. 50-57).

Regarding claim 20, Lai teaches a system for transferring multimedia information from source to destination locations through one or more networks, the system comprising of a proxy transcoder ("PTS") (fig. 6, item 218, col. 3, ll. 51-55, transcoder transcodes media content) coupled between the source output (fig. 6, item 610) and the destination input (fig. 6, item 650). Lai teaches further a proxy transcoder server ("PTS") coupled between the source output and the destination input, the proxy transcoder server (col. 3, ll. 51-65) comprising: a capability exchange process coupled to the source output, the capability exchange process being adapted to identify the first protocol supported by the source output utilizing a message-based command and control protocol for negotiation in the capability exchange process (col. 21, ll. 44-48), determine one or more characteristics of a media channel coupled to the source output, wherein the media channel is adapted to support the first stream of information (col. 21, ll. 44-48), and adapted to identify the second protocol support by the destination input (col. 21, ll. 53-57); a transcoding process coupled to the capability process, the transcoding process comprising a plurality of transcoding modules numbered 1 through N, where N is an integer greater than 1, the transcoding process being adapted to

select one of the plurality of transcoding modules based upon the first protocol and the second protocol (col. 10, ll. 50-57); and a bit rate control process coupled to the transcoding process, the bit rate control process being adapted to receive a first network status indicator to adjust a state of the second stream of information based upon the first network status indicator (col. 17, ll. 25-27, destination type includes bit rate desired; col. 18, ll. 39-47, streaming media data can be changed dynamically based on network conditions) independent of feedback from a destination terminal associated with the second stream of information (Lai, col. 9, ll. 37-41,0 determine optimal destination type by independent tests; col. 11, ll. 10-14, usage statistics).

Lai teaches wherein the PTS (fig. 6, item 218) is adapted to perform transcoding of multimedia system protocols, one or more audio streams, and one or more video streams (col. 7, ll. 57-61, transcoding engine transcodes media content from a source type to a destination type) but does not explicitly teach "the multimedia system protocols selected from the group consisting of H.323, H.324, and SIP", however, in related art, Bruno teaches in a video telephone/teleconference call environment the call conversion process between, for example, H.320 standard to a packetized voice call, H.323, or a similar protocol (see Bruno, col. 3, ll. 34-53) and therefore teaches in the art that it would have been well known to one of ordinary skill in the art to utilize multimedia system protocols like H.320, or H.323 as recited in claim 20. Because the combination of Lai and Bruno does not explicitly teach the usage of the multimedia system protocols H.324 or SIP, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize well known multimedia

system protocols like H.324 or SIP in a call conversion process as taught by Bruno. Therefore, in view of Bruno, one of ordinary skill in the art at the time of the applicant's invention would have found it obvious for the PTS as taught by Lai in figure 6, item 218 to support other multimedia system protocols like H.320, H.323, H.324 and SIP. One of ordinary skill would have been motivated to make this combination as taught by Bruno wherein it is advantageous to enable a teleconference call between a circuit switched network user and a packet network user which teaches the conversion of multimedia system protocols like H.320, H.323, H.324 and SIP utilizing a multimedia gateway (Bruno, col. 1, line 64 – col. 2, line 11).

17. Regarding claim 21, Lai and Bruno teach the system wherein the first network status indicator comprises a measure of quality of media carried through the first network (Lai, col. 9, ll. 37-41,0 determine optimal destination type by independent tests; col. 11, ll. 10-14, usage statistics).

18. Regarding claim 28, Official notice is taken that 3GPP-324M was old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include 3GPP-324M with what is taught by Lai and Bruno because 3GPP-324M is commonly used in mobile phone systems.

19. Regarding claim 29, Official notice is taken that 3GPP-324M was old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include 3GPP-324M with what is taught by Lai and Bruno because 3GPP-324M is commonly used in mobile phone systems.

20. Regarding claim 31, official notice is taken that the utilization of the system protocol H.245 was old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include H.245 in combination with what is taught by Lai and Bruno because H.245 was well known to be a system protocol used in call signaling procedures.

21. Regarding claim 32, official notice is taken that the utilization of the system protocol SDP was old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include SDP in combination with what is taught by Lai and Bruno because SDP was well known to be a system protocol used in call signaling procedures.

22. Regarding claim 33, Lai and Bruno teach the system further comprising:

a second source output adapted to provide a third stream of information in the first protocol characterized by one of a plurality of source capabilities (col. 6, ll. 37-43 and col. 21, ll. 44-48); and

a second real-time transcoding module adapted to use a second transcoding process to process the third stream of information (Lai, col. 6, ll. 37-43 and col. 21, ll. 39-41), wherein:

the capability exchange module is further adapted to determine one or more characteristics of a second media channel coupled to the second source output and adapted to support the third stream of information (Lai, col. 6, ll. 37-43 and col. 21, ll. 44-48); and

the selection module is further adapted to select the second transcoding process (Lai, col. 6, ll. 37-43 and col. 10, ll. 50-57).

23. Regarding claim 34, Lai and Bruno teach the system wherein the first media channel comprises a video channel and the second media channel comprises an audio channel (Lai, col. 6, ll. 54-58).

24. Regarding claim 35, Lai and Bruno teach the system wherein the second stream of information comprises a transcoded stream of media converted for transport in the second protocol (Lai, fig. 6 and col. 21, ll. 53-57).

25. Regarding claim 36, Lai and Bruno teach the system further comprising performing a second capability exchange process defined by the second protocol to provide one destination capability of the plurality of destination capabilities (Lai, fig. 6 and col. 21, ll. 53-57).

26. Regarding claim 37, Lai and Bruno teach the system wherein the second capability exchange process translates one or more of the plurality of source capabilities to provide one or more of the plurality of destination capabilities (col. 21, ll. 39-41).

27. Regarding claim 42, Lai and Bruno teach the system wherein the state of the second stream of information comprises at least one of stop, prioritize allow, or adjust bit rate (col. 17, ll. 25-27, destination type includes bit rate desired; col. 18, ll. 39-47, streaming media data can be changed dynamically based on network conditions).

28. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai and Bruno in view of Floyd et al. (US 7,003,584 B1), hereinafter referred to as Floyd.

29. Regarding claim 17, Lai and Bruno teach the transcoding of media as outlined in the rejection of claim 1 but does not explicitly teach the encryption and decryption of data. However, in related art, Floyd teaches a transcoder in which data is encrypted/decrypted for added security (Floyd, col. 1, lines 15-24). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to utilize encryption/decryption techniques when transcoding media data as taught by Floyd in combination with the media transcoding methods disclosed by Lai. One of ordinary skill in the art would have been motivated to make such a combination for added security (Floyd, col. 1, lines 15-24).

Response to Arguments

30. Applicant's arguments filed 31 October 2007 have been fully considered but they are not persuasive.

31. Applicant argues with respect to independent claims 1 and 20 that (a) Lai does not teach or suggest "a rate control module adapted to vary an output bit rate in an existing session" and that (b) Bruno does not teach or suggest "a media channel processing module adapted to calculate a quality measure independent of feedback from the destination terminal." The examiner respectfully disagrees with points (a) and (b). In response to (a), it is maintained by the examiner as set forth in the above rejection that the combination of Lai and Bruno teaches "a rate control module adapted to vary an output bit rate in an existing session" in column 17, lines 25-27 of Lai wherein Lai teaches in a real-time transcoding environment the detection of certain publishing variables including but not limited to the appropriate destination format and bit-rate. The

publishing variables are utilized by a streaming server to appropriately stream media content to a certain client. Lai teaches further in column 18, lines 39-47 the dynamic changing abilities of certain protocols based on current network traffic conditions which would directly affect the publishing variables of a media content stream (e.g. the bit-rate). Lai therefore teaches the need for varying a streaming bit-rate, in this example set forth by Lai with respect to network traffic conditions. In response to (b), it is maintained by the examiner as set forth in the above rejection that the combination of Lai and Bruno teaches "a media channel processing module adapted to calculate a quality measure independent of feedback from the destination terminal" in column 9, lines 37-41 of Lai wherein Lai teaches the determination of an optimal destination type by utilization of independent tests. The independent tests can be performed by automatic tests that may run on the client machine or by requiring the client to provide system and preference information. Lai teaches further in column 11, lines 10-14 the recordation of client usage statistics within the streaming servers. Lai therefore teaches the calculation of quality measures as set forth in the filed claims. Independent claims 1 and 20 are therefore not found to be patentable over the cited prior art of record. Remaining dependent claims are not found to be patentable for at least the same reasons as set forth above and in view of the rejections set forth above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN A. AILES whose telephone number is (571)272-3899. The examiner can normally be reached on Monday-Thursday 6AM-10PM in accordance with IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. A. A./
Examiner, Art Unit 2142

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER